

SERVICE DATE - APRIL 5, 2002

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423****ENVIRONMENTAL ASSESSMENT****DOCKET NO. AB-565 (Sub. No. 7X)****New York Central Lines, LLC – Abandonment Exemption –
in Suffolk County, MA****BACKGROUND**

In this proceeding, New York Central Lines, LLC (NYC), and CSX Transportation, Inc. (CSXT), (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NYC to abandon and CSXT to discontinue service over a portion of a line of railroad in Suffolk County, MA.¹ The portion of the rail line proposed for abandonment and discontinuance spans about 2.17 miles from Milepost QBG 5.7 near 2nd Street to Milepost QBG 7.87 near Saratoga Street, in Chelsea, Massachusetts.² A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to the applicants, there has been no local traffic on the line for the past two years. Applicants state that the proposed abandonment would “result in the removal of the rail, crossties, and possibly the upper layer of ballast.”

The right-of-way is located in metropolitan Chelsea, Massachusetts, and applicants state that the width of the right-of-way ranges from 20 feet to 60 feet from the centerline of the track.

¹ This case embraces STB Docket No. AB-55 (Sub. No. 605X), CSX Transportation, Inc. – Discontinuance of Service Exemption – in Suffolk County, MA.

² CSX Corporation, CSXT’s parent company, and Norfolk Southern Corporation jointly acquired control of Conrail, Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

ENVIRONMENTAL REVIEW

The applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The U.S. Army Corps of Engineers, New England District (Corps) has submitted comments stating that the proposed abandonment may involve activities that would require Corps' permits.

The Commonwealth of Massachusetts Office of Coastal Zone Management has indicated that it needs additional time to evaluate the proposed abandonment and to determine whether the abandonment would affect a coastal management area.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. Based on the comments of the U.S. Army Corps of Engineers (Corps), we recommend that the following condition be imposed on any decision granting abandonment authority: **applicants shall consult with the Corps and obtain all applicable Corps permits prior to conducting any salvage activities.**
2. Based on the comments of the Commonwealth of Massachusetts Office of Coastal Zone Management (CZM), we recommend that the following condition be imposed on any decision granting abandonment authority: **applicants shall consult with CZM prior to conducting any salvage activities to determine whether the abandonment would affect coastal management areas and whether Massachusetts Coastal Management consistency certification is required. If consistency certification is required, applicants shall be prohibited from performing any salvage or abandonment activities until applicants obtain consistency certification and shall then notify the Surface Transportation Board.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not

significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-565 (Sub-No. 7X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Recent events involving a principal postal facility within Washington, D.C., may affect for a period of time the receipt of materials mailed to the Board, as well as customer receipt of reply mail sent from the Board. Until the timely delivery of mail has been reestablished, the Section of Environmental Analysis (SEA) requests that individuals filing comments regarding this or other

environmental assessments take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact indicated above prior to the close of the comment period and inform them that you have mailed a comment.
2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.
3. Retain a copy of your comment for your records should alternative modes of delivery need be necessary.

SEA is committed to carrying out its duties to the public and regrets any inconvenience these new procedures may cause.

Date made available to the public: **April 5, 2002.**

Comment due date: April 19, 2002.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

MAP NEEDS TO BE SCANNED.